IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.23259 of 2004

Between:

P.Murthyraju,

S/o late Musalaiah,
R/o 18th Ward, Old Town,

Tanuku, W.G.District.

..... PETITIONER

AND

Tanuku Municipality rep., by its Commissioner,

Tanuku-534 211, W.G.District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of mandamus declaring the action of the respondent herein in converting the Bus Shelter situated in RS No.158/1 of ward No.20 of Tanuku town into reading room as arbitrary illegal and danger to the public life apart from contrary to public interest and consequently direct the respondent herein to consider the representation dt.18-11-2004 of the petitioner forthwith.

Counsel for the Petitioner :Mr. SAI GANGADHAR CHAMARTY

Counsel for the Respondent : Mr. SRINIVAS DAMMALAPATI

The Court made the following :

ORDER:

The petitioner seeks mandamus declaring the action of the respondent in converting the bus shelter situate in R.S.No.158/1 in Ward No.20 of Tanuku town into a reading room as illegal and arbitrary, and consequential direction to the respondent to consider the petitioner's representation dated
18-11-2004.

The main grievance of the petitioner is that the respondent Municipality had passed a resolution dated
18-12-2003 proposing to remove the bus shelter in Ward No.20 and construct a reading room in its place. According to the petitioner, the removal of bus shelter will cause inconvenience to the passengers particularly during summer and rainy seasons. The petitioner is also stated to have submitted representation dated 18-11-2004 to the Municipality highlighting the grievance, but no action is taken so far. Hence, this writ petition.

A perusal of writ averments discloses that the respondent Municipality had passed a resolution to remove the bus shelter and construct a reading room there and the averments are purely in the nature of disputed questions of fact. The respondent Municipality as a representative body passed the said resolution and whether the bus shelter has to be retained or a reading room has to be constructed in its place is the discretion of the Municipality, which is governed by the A.P.Municipalities Act.

The Municipality is well within its power to decide as to the basic facilities to be provided to the people of the local area depending upon the necessity and the location of such facilities. This Court cannot interfere with such decisions, in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, which have to be necessarily taken by the authorities constituted under the said Act.

However, in view of the averment in the writ affidavit that the petitioner has made a representation dated 18-11-2004, the same may be considered by the respondent before taking any decision in the matter.

The writ petition is accordingly disposed of at the stage of admission.

15-12-2004

bsc

To

1. Tanuku Municipality rep., by its Commissioner,

   Tanuku-534 211, W.G.District.

2. 2CD copies